

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No.: 2:06-cr-00071-MHT-SMD
	)	
BERNETTA WILLIS	)	

**DEFENDANT'S RESPONSE TO COURT ORDER**

Bernetta Willis, by counsel, files her response to this Court's May 11, 2020 order (Doc. 395) that directed her to (1) provide proof that she has filed a petition asking the Bureau of Prisons (BOP) to file a motion on her behalf for compassionate release under 18 U.S.C. § 3582 (c)(1)(A) since the start of the COVID-19 pandemic and (2) inform the court whether she has received a response to the request, and if possible, submit evidence of the response or lack thereof would show the following:

Ms. Willis initiated a request for compassionate release with the warden at FCI Aliceville in February 2020 through a computer system used by all prisoners. She did not retain a copy of that request. On April 13, 2020, Ms. Willis sent a request to her unit manager, Ms. Hill, asking her to check the status of the Compassionate Release request.<sup>1</sup> An April 21, 2020 progress report from the Bureau of Prisons documented that Ms. Willis had requested compassionate release.<sup>2</sup> On May 13, 2020, the Bureau of Prisons denied her request.<sup>3</sup>

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<sup>1</sup> See Defense Exhibit #1, Inmate Request to Staff dated April 13, 2020.

<sup>2</sup> See Defense Exhibit #2, Excerpt from April 21, 2020 progress report from the Bureau of Prisons.

<sup>3</sup> See Defense Exhibit #3, Denial of Compassionate Release Request dated May 13, 2020.

As of May 15, 2020, there are seventeen documented coronavirus cases at FCI Aliceville. The BOP Covid-19 website lists one prisoner and four staff as currently suffering from the virus and nine prisoners and three staff as “recovered” from the virus.

Respectfully submitted,

/s/Angela D. Smith

**Angela D. Smith**

Assistant Federal Defender

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TN Bar No. 33909

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/Angela D. Smith

**Angela D. Smith**

Assistant Federal Defender

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TN Bar No. 33909

BP-A0148

JUNE 10

U.S. DEPARTMENT OF JUSTICE

## INMATE REQUEST TO STAFF CDRM

FEDERAL BUREAU OF PRISON

TO: Name and Title of Staff Member)	DATE: 4-13-20
FROM: Bernetta Willis	REGISTER NO. 11880-002
WORK ASSIGNMENT: Unit orderly	UNIT: C-1 202

SUBJECT: Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

Ms. Hill Can you please remove me from FRP Refusal. Because it caused me to only get \$25 worth of my commissary which suppose to be \$50 and commissary out what they wanted in my basket. Not None of my Hygiene Period. Well I talked to Jones and Lockett and Jones said to have that call and he will get me my other things. Please handle this I need my personal things. Also can you check on my compassionate release. The Warden Been said she forward it to my unit Team. Plus I have serious chronic medical condition. Due to COVID-19 I qualify for compassionate release check my file from the latest compassionate release the Warden denied July 2019. God Bless Be Safe

Signature Staff Member

Date

Record Copy - File; Copy - Inmate

Prescribed by P5511

PDF

This form replaces BP-148.070 dated Oct 8 and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PROSECUTIVE FOLDER

SECTION

EXHIBIT 1

**Summary Reentry Plan - Progress Report**

SEQUENCE: 00175010

Dept. of Justice / Federal Bureau of Prisons

Report Date: 04-21-2020

Plan is for inmate: WILLIS, BERNETTA LASHAY 11880-002

**Most Recent Payment Plan**

No.	Type	Amount	Balance	Payable	Status												
1	ASSMT	\$2,200.00	\$0.00	IMMEDIATE	COMPLETEDZ												
<b>** NO ADJUSTMENTS MADE IN LAST 6 MONTHS **</b>																	
2	REST FV	\$79,607.45	\$76,018.23	IMMEDIATE	AGREED												
<table border="1"> <thead> <tr> <th>Adjustments:</th><th>Date Added</th><th>Faci</th><th>Adjust Type</th><th>Reason</th><th>Amount</th></tr> </thead> <tbody> <tr> <td></td><td>12-06-2019</td><td>ALI</td><td>PAYMENT</td><td>INSIDE PMT</td><td>\$33.33</td></tr> </tbody> </table>						Adjustments:	Date Added	Faci	Adjust Type	Reason	Amount		12-06-2019	ALI	PAYMENT	INSIDE PMT	\$33.33
Adjustments:	Date Added	Faci	Adjust Type	Reason	Amount												
	12-06-2019	ALI	PAYMENT	INSIDE PMT	\$33.33												

**Financial Responsibility Summary**

Inmate Willis was assessed a \$2,200 felony assessment fee by the Middle District of Alabama. She has paid her court ordered obligation in full. She has made payments towards her restitution.

**Release Planning**

Willis plans on residing with her daughter, Mercedes McQueen at 4909 Apt. D, Montgomery, AL 36108, phone #334-294-8321.

**General Comments**

Willis is requesting consideration for Compassionate Release.

*proof 7/ I filed over 2 months with this prison  
Compassionate Nothing Yet*

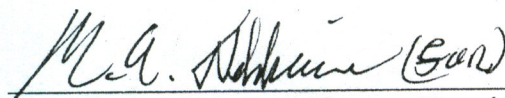
COVID-19/Reduction In Sentence  
Willis, Bernetta Lashay  
Register No.: 11880-002

You requested a reduction in sentence (RIS) based on Medically Debilitated Inmates with Medical Conditions. After careful consideration, your request is denied.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner.

As a result, your request no longer presents the same potential extraordinary or compelling circumstances that might warrant an early release from your sentence. Accordingly, your RIS request is denied.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.

  
Patricia V. Bradley, Warden

5-13-20  
Date